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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,183	07/29/2003	Ronald Marsh	U66.12-0005	7201
164	7590	06/06/2005		EXAMINER
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,183	MARSH, RONALD	
	Examiner	Art Unit	
	Brian J. Broadhead	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11,13-15,17,18,20-27 and 29-41 is/are rejected.
- 7) Claim(s) 12,16,19,28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 March 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-23-04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: "an emergency event data" should be --said emergency event data--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 through 10, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the location data" in lines 5 and 8. There is insufficient antecedent basis for this limitation in the claim. In line 6 of the claim "the location" is used. It is assumed that "the location data", should be --the location--.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Is the "emergency data" in the claim the same as the "emergency event"? Also, does the emergency data broadcast signal come from the emergency data source?

5. The remaining claims are rejected for being dependent on claim 1.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3661

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 6, 20, and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the emergency data source being a satellite receiver, does not reasonably provide enablement for the emergency data source being a land based system. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification shows a land based telephone system as part of the support structure that send information to the portable alert system, but it can't be part of the portable alert system. Otherwise, the alert system wouldn't be portable.

8. Claims 36, 37, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not disclosed how a "best fit rectangle" is determined, or how the "radius" is determined.

9. Claims 36, 37, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to disclose

how to determine a best-fit rectangle of the radius surrounding the weather radio or the reasons why such a step is necessary. If there are more than one location codes in the are how is one chosen?

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7 through 11, 13, 15, 17, 22, 25, 26, 27, and 29 through 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Alcock et al., 2004/0198389.
3. Alcock et al. disclose a location data source for the portable alert system in paragraph 17; an emergency data source for notifying the portable alert system of an emergency event in paragraph 19, NOAA data includes alerts; a computer processor to process the location and emergency data to obtain image data that correlates the location of the portable alert system and emergency event, wherein the computer processor further processes the location data to automatically program the portable alert system to receive only and emergency data broadcast signal associated with the location of the portable alert system on paragraphs 9 and 17; a display in figure 2; the location data source is a GPS in paragraph 17; the emergency data source is a satellite receiver or cell phone system configured to receive digital radar from a satellite on

paragraphs 38 and 41; the image data is a digital map in paragraph 17; radar image superimposed on the map in paragraph 43; an icon showing a location of the portable alert system and the emergency event in paragraph 17; the emergency event relates to emergency data broadcast by the National Weather service on paragraph 19; and the radio receives non-emergency data till emergency data is received in paragraph 19, the device receives data continuously and the emergency data is mixed with non-emergency data.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6, 14, 20, 21, 23, 38, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcock et al., 2004/0198389, in view of Videtich 2004/0080430.

6. Alcock et al. disclose the limitations as set forth above. Alcock et al. does not disclose the emergency data source comprises a land based phone system; the alert comprises receiving a SAME signal from the national weather service. Videtich teaches the emergency data source comprises a land based phone system and the alert comprises receiving a SAME signal from the national weather service in paragraphs 16 and 13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use SAME encoding since the weather data of Alcock et al. is

already coming from NOAA(NWS) and because Alcock would need some communication system to connect his distributed network and picking the communication system is a design choice. Using a land based phone system would be a cheap, readily available way to connect his different sources. FIPS code data is inherent in SAME encoding.

7. Claims 18 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcock et al., 2004/0198389, in view of Lamb, 2003/0193394.

8. Alcock et al. does not disclose the emergency alert comprises an Amber alert. Lamb discloses that NOAA weather radio also broadcasts alerts for the Emergency Alert System maintained by the FCC in paragraph 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an Amber alert with the invention of Alcock et al. because Alcock et al. already discloses using NOAA data and this data would include Amber alerts that are broadcast on the EAS.

Allowable Subject Matter

9. Claims 12, 16, 19, 28, 36, 37, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a radio system for receiving emergency event data and further comprising either a satellite receiver or cellular phone system for receiving weather radar data; the emergency alert, which is an Amber alert, comprises

displaying a photograph; and determining a best fit rectangle or a radius surrounding the weather radio to select a location code.

Response to Arguments

11. Applicant's arguments with respect to claims 1 through 41 have been considered but are moot in view of the new ground(s) of rejection. In response to some of the arguments I'd like to make some observations. The arguments try to differentiate emergency broadcast signals from a more general broadcast that has location specific information. It seems that the arguments try to relate the emergency broadcast signal to the different radio frequencies used by weather radio in different areas. However, the filtering out of location specific information would also read on this limitation as it is currently written. The dependant claims also seem to support this interpretation since they later narrow the emergency data source to a satellite receiver which would have a wide coverage area and need to be filtered to get the location specific information.

12. The invention as disclosed in the specification includes two communication devices. A general broadcast receiver and then a second communication device that receives more detailed data. It is suggested that the independent claims make this clearer. It is also suggested that it is made clear the second communication device requests the more detailed data in response to receiving the emergency event data.

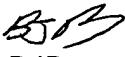
Conclusion

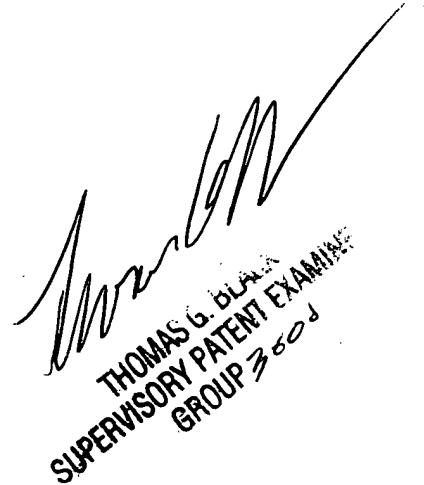
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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